

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of)
the Estate of RONALD TYRONE)
ROBY, Deceased,)

Plaintiff,)

v.)

CIVIL ACTION NO.: 2:05CV494-T

BENTON EXPRESS, INC., et al,)

Defendants.)

AFFIDAVIT OF GREGORY A. BROCKWELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Gregory A. Brockwell, who being by me, first duly sworn, did depose and say on oath as follows:

1. My name is Greg Brockwell. I am over the age of nineteen (19) years and have personal knowledge of the facts contained within this affidavit.

2. I am counsel of record for Defendant Benton Express, Inc., in this matter.

3. There has been a dispute between the parties for several weeks regarding the discovery of evidence of Stephanie Stephens' workers' compensation claim.

4. At various times, I have discussed this dispute with the Plaintiff's counsel, LaBarron Boone.

5. Some of these discussions with the Plaintiff's have counsel have taken place on the telephone.

6. Some of these discussions have also taken place in-person and face-to-face.

7. Despite both parties' good-faith conferences and efforts to resolve this discovery dispute without the intervention of the Court, the parties simply have been unable to reach an agreement on this dispute.

Further affiant sayeth not.

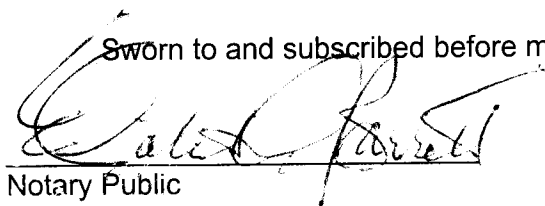


GREGORY A. BROCKWELL

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

Sworn to and subscribed before me this the 13th day of January, 2006.



Notary Public

11/10
My Commission Expires